

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN BARBEE,
Plaintiff,

v.

BRYAN COLLIER, et al.,
Defendants.

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CIVIL ACTION NO. 4:21-CV-03077
DEATH PENALTY CASE

**DEFENDANTS COLLIER, LUMPKIN, AND CROWLEY'S MOTION TO
DISMISS BASED ON MOOTNESS**

Exhibit A

Affidavit of Bobby Lumpkin,

Director of the Texas Department of Criminal Justice Correctional Institutions Division

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN BARBEE,

Plaintiff,

V.

BRYAN COLLIER, Executive Director of the Texas Department of Criminal Justice, BOBBY LUMPKIN, Director of the Texas Department of Criminal Justice–Correctional Institutions Division, and DENNIS CROWLEY, Warden of the Huntsville Unit,
Defendants.

My name is Bobby Lumpkin. I am currently the Director of the Texas Department of Criminal Justice Correctional Institutions Division. In light of the Supreme Court's opinion in *Ramirez v. Collier*, I reevaluated the requests made by Stephen Barbee that his spiritual advisor be permitted to lay hands on him when he is in the execution chamber and to audibly pray during the execution process. His requests are approved as follows:

- a. Barbee's spiritual advisor will be permitted to lay hands on Barbee on a lower extremity after Barbee is secured to the gurney in the execution chamber and the IV lines are in place.

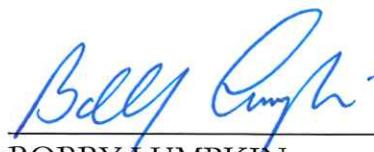
b. Barbee's spiritual advisor will be permitted to pray aloud at a moderate volume loud enough for Barbee to hear throughout the execution process, except that the spiritual advisor shall be silent any time the Warden or CID Director speak during the process and when Barbee gives his last statement.

c. Barbee's chosen spiritual advisor, Mr. Barry Brown, will continue to be subject to the approval and vetting procedures set forth in the TDCJ Execution Policy. Defendants do not anticipate any problem, since Barbee's spiritual advisor was previously approved to be present in the execution chamber.

Since the *Ramirez* opinion, religious requests from other prisoners relating to the execution chamber have been similarly approved. For example, Inmate Carl Buntion was executed on April 21, 2022. Barry Brown, the same spiritual advisor requested by Barbee,

was present in the execution chamber with Buntion. Brown was permitted to pray aloud and lay hands on Buntion during the execution process until death was pronounced.

I swear under penalty of perjury that the above is true and accurate.



BOBBY LUMPKIN

Director, Texas Department of Criminal Justice,
Correctional Institutions Division

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned notary public, on the
26th day of May, 2022.



MERCEDITA THOMPSON
NOTARY PUBLIC OF TEXAS

